

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

UNITED STATES OF AMERICA	*	CRIM. NO. 06-60050-01
VERSUS	*	JUDGE DOHERTY
FIDENCIO FLORES	*	MAGISTRATE JUDGE HILL

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. 3142(f), a detention hearing in this case was held on August 28, 2006. I conclude that the following facts require the detention of the defendant pending trial.

FINDINGS OF FACT

There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed by 18 U.S.C. 841(a)(1) and 18 U.S.C. 846, and the defendant has not rebutted the presumption established by this finding that no condition or combination of conditions will reasonably assure the safety of the community. The flight risk presumption was successfully rebutted.

WRITTEN REASONS FOR DETENTION

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that: (1) the defendant was a passenger on a private aircraft which contained 34 kilograms of cocaine; (2) the defendant, owned a .45 caliber pistol (the defendant had a permit from the State of Florida allowing him to carry a concealed weapon) which was in one of the luggage compartments of the airplane in which was also located approximately one-half of the cocaine seized; (3) the defendant had traveled to Mexico three or four times in the last

two years; (4) a statement by the defendant's co-defendant implicated the defendant in a drug trafficking scheme.

DIRECTIONS REGARDING DETENTION

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the correction facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Lafayette, Louisiana, August 29, 2006.



C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE